

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

WSOU INVESTMENTS LLC,

Plaintiff,

v.

ZTE CORPORATION,

Defendant.

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CIVIL NO. W-20-CV-00491-ADA

ORDER ON DISCOVERY DISPUTE

Before the Court is the parties' discovery dispute concerning the timing of expert witness depositions. On February 2, 2023, the Court heard oral argument on the dispute. The close of rebuttal expert reports is today, February 2, 2023, and Defendant requested Brazos tender its experts for depositions prior to today's deadline, while Brazos argued that, under the OGP and local rules, expert depositions need *not* occur before rebuttal reports are submitted. Given the impending deadline, the Court **ORDERS** as follows:

All remaining case deadlines are unchanged—including the Feb. 2, 2023 rebuttal report deadline—and any request of an extension is **DENIED**. Any expert or declarant relied on by an expert whose deposition is requested during expert discovery must be made available on or before the close of expert discovery. This includes Roy Weinstein, Dr. William Mangione-Smith, Stephen Gray, and the declarant, Shauna Wiest. The deposing party is permitted to supplement its rebuttal expert's report within 2 days of completion of the deposition of an expert who filed an opening report. Any depositions requested before February 10, 2023, must be completed by

the close of expert discovery. Failure to present an expert whose deposition was timely requested will result in the expert being barred from testifying at trial.

The parties can agree to take depositions after the expert discovery deadline, but the Court will not entertain any motions to enforce such agreements.

All case deadlines will remain unchanged.

SIGNED this 2nd day of February, 2023.


DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE